

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 10366 of 1998(Y)

PETITIONER:

**M.BEERAN,
MANNIL THODI,
AMBALAVAYAL,
WAYANAD.**

BY ADV. SRI.MKS.MENON

RESPONDENTS:

- 1. THE STATE OF KERALA, REP. BY CHIEF SECRETARY,
GOVT.SECRETARIAT, TRIVANDRUM.**
- 2. THE DIRECTOR OF MINING AND GEOLOGY,
TRIVANDRUM- 3.**
- 3. DEPUTY COLLECTOR (LT) CUM AO,
AMBALAVAYAL, WAYANAD.**

**ADV. SRI. P.B.SUREHKUMAR,
BY GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP NO. 17743/98 IN OP NO. 10366/198 H.

DISMISSED

20/06/2007.

SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DEMAND NOTICE BY THE R3.

True copy

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KURIAN JOSEPH J.

O.P. NO.10366 OF 1998

Dated 20th June, 2007.
J U D G M E N T

Petitioner approached this Court aggrieved by Ext.P1 notice issued by the Deputy Collector regarding seniorage payable by the petitioner. It is seen from the counter affidavit that the petitioner is liable to pay the amounts as per the permit. Since the petitioner has not been given an opportunity to state his objections with regard to the rate and the levy, it is only appropriate that the petitioner is given an opportunity before the competent authority. In view of the stand taken in the counter affidavit filed on behalf of the Deputy Collector, it is only appropriate that the matter is considered by the Director of Mining and Geology, the second respondent. In the event of the petitioner approaching the second respondent within a period of two months from today, the matter will be considered by the said authority with notice to the petitioner and appropriate orders in accordance with law will be passed within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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OP NO.

2

KURIAN JOSEPH, J.

O.P. NO.10366 OF 1998 (H)

J U D G M E N T

Dated 20th June, 2007.